



CIVIL AIR PATROL
NATIONAL HEADQUARTERS
MAXWELL AFB AL 36112-6332

CHANGE 1 (E)
CAP REGULATION 123-2
20 JUNE 2001

Inspection

COMPLAINTS

CAP Regulation 123-2, 1 September 1999, is changed as follows:

Page-Insert Change.

Remove

Insert

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Note: Shaded areas identify new or revised material.

OPR: GC

Distribution: In accordance with CAPR 5-4.

statement of the general nature of the complaint and that the complaint is under investigation. The identity of the complainant shall remain confidential.

b. Priority investigation complaints shall take precedence over all other complaints and shall be processed immediately by the inspector general or assigned investigative officer.

c. Since the purpose of an investigation is to seek a fair and rightful conclusion, complainants, respondents, and witnesses, who are CAP members, are required to cooperate fully. Failure to respond with truthful and complete information or any action to impede the process of the investigation in any way may subject a member to disciplinary action including termination of membership. Every individual providing evidence in an investigation will sign the Read In Document. There is no requirement for legal representation, recorded testimony, a formal hearing, or application of the rules of evidence. If any complainant, respondent or witness fails to appear after being properly notified, the investigation should proceed without their input.

d. It is the responsibility of the inspector general or assigned investigative officer to conduct an objective inquiry and to find factual information.

e. Upon completion of an investigation the inspector general or investigative officer will submit written findings and recommendations to the appropriate commander. Format of an investigation summary report shall include at least the following points:

- 1) Complainant's allegation.
- 2) A summary or background of the incident.
- 3) Applicable Civil Air Patrol directives that may have been violated.
- 4) Complainant's documentation and/or testimony. (Attach copy of Read In Document)
- 5) Respondent's documentation and/or testimony. (Attach copy of Read In Document)
- 6) Witnesses' documentation and/or testimony, if any. (Attach copy of Read In Document)
- 7) Factual findings.
- 8) Conclusion classification derived from the findings (unfounded, exonerated, inconclusive, or sustained). If the inspector general or investigative officer considers the complaint a frivolous complaint as defined in this regulation, that finding should also be noted.
- 9) Recommendation(s) or suggested remedies.
- 10) Signature of the inspector general or investigative officer.

f. Conclusion classifications shall include the following categories:

UNFOUNDED -- The inquiry determined that the act or acts complained of did not occur.

EXONERATED -- The inquiry revealed that the acts complained of occurred but were justified according to applicable directives, and the action was proper.

INCONCLUSIVE -- The inquiry failed to establish the facts of the allegation or disclose sufficient information to prove or disprove the allegation.

SUSTAINED -- The inquiry disclosed substantial evidence or a significant amount of information in support of the allegation made in the complaint.

g. The findings of the inspector general or the investigating officer shall be based upon substantial evidence.

h. The investigating CAP command level shall pay the costs incurred during investigations. The inspector general or assigned investigative officer will not be expected to personally pay for expenses related to any investigation.

i. Upon receipt of the findings and any recommendations, and when a commander is satisfied that the complaint has been fully investigated, the commander will provide the complainant and the respondent with a written response stating the commander's decision by official memorandum.

7. Review Process:

a. If either the complainant or respondent desires a review of a commander's decision, the person requesting the review shall forward, with the request for review, the following to the next higher commander:

1) A copy of the complaint, the findings, and the decision.

2) A detailed, written statement enumerating, with supporting information, each alleged error in the findings or decision.

b. Requests for review must be submitted within 30 days of the receipt of the decision. The reviewing commander upon good cause shown may extend this deadline.

c. The commander considering the request for review may:

1) Affirm or modify the decision that has been sent for review; or

2) In the event the reviewing commander determines that additional information is required, the commander shall instruct the inspector general to gather the information necessary to complete the review.

d. Upon receipt of the information requested and once the reviewing commander is satisfied that the complaint has been fully investigated, a decision, in writing, setting forth the reviewing commander's findings and decision must be furnished to the parties as well as the commander who made the initial decision.

e. Reviews of findings and decisions may continue up the chain of command until the review reaches the region commander whose decision will be final.

f. No review or referral of any complaint to the National Commander is authorized except those initially filed against a region inspector general, National Executive Committee members, or members assigned to National Headquarters. The decision of the National Commander on any such complaint will be final.

8. Disposition of Records:

a. Upon completion of an investigation and any subsequent appeals, the inspector general at the appropriate level, wing, region, or national shall consolidate a copy of all documentation. This shall constitute the case file. Seal the file in an envelope, mark the outside of the envelope with the full name of the

complainant and the year the complaint is closed out. These files are confidential and should be kept under lock and key and passed to the subsequent inspector general. These case files will be maintained in accordance with CAPR 10-2, Table 5, Rule 4.

b. The inspector general shall not disclose case files or any information contained therein except upon specific written authorization of the wing, region or National Commander.

c. If the complaint has been sustained, a copy of the Summary Report of Investigation (SROI) (see Attachment 3) will become a permanent part of the personnel files of the complainant and respondent and a copy shall be filed with the NHQ CAP/GC.

Attachments:

1. Sample Read In Document
2. Sample Letter for Appointment of Investigative Officer
3. Format for Summary Report of Investigation

SUMMARY OF CHANGES

This regulation is revised in its entirety; it expands the definition section, further explains the limitations of the complaint process to cover all complaints including discrimination, hazing, abusive language, hostile environment and public humiliation. It shifts the ultimate responsibility for the investigation of complaints to the wing commander through his/her inspector general or an appointed investigative officer; and sets form, format, investigative standards, and procedures. Establishes funding responsibilities for investigations.